

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND

MELVIN HILL #127-525

Plaintiff

*

v.

* CIVIL ACTION NO. JFM-11-2044

WARDEN SCRUBBS, et al

Defendants

*

MEMORANDUM

Melvin Hill has filed a prisoner civil rights action pursuant to 42 U.S.C. § 1983. While not a model of clarity, Hill's complaint concerns his July 19, 2011, bail hearing at which an allegedly defective prior arrest record was used to justify his "no bail" status. Hill's request to proceed in forma pauperis (ECF No. 2) shall be granted but his complaint shall be denied and dismissed.

Hill, who was previously incarcerated within Maryland's Division of Correction (DOC), has a lengthy filing history with this court.¹ In almost every one of his prior civil rights and habeas corpus actions he has contended, as he does in the instant action, that he was not the person who committed an earlier crime which apparently has led to the denial of bail in his latest arrest. See e.g. *Hill v. Ward*, Civil Action No. H-88-475 (Memorandum and Order of July 29, 1988).

Hill apparently was released from DOC custody but was arrested on July 18, 2011, and charged in the District Court for Baltimore City with theft. Bail was denied on July 19, 2011.² The "injunctive" relief he seeks here comes more in the nature of a request for habeas corpus relief mandating his release on bail.

¹ Hill has filed more than forty (40) civil actions in this court.

² See <http://casesearch.courts.state.md.us/inquiryDetail.jis?caseId=0B0219806&loc=2> .

Federal intervention into a state court's discretionary determination is rare, and federal courts cannot require that state courts give reasons for the denial of bail. *See Jenkins v. Harvey*, 634 F.2d 130 (4th Cir. 1980); *Brown v. Fogel*, 387 F.2d 692 (4th Cir. 1967). Hill should seek relief on the issue of bail in the state courts rather than in this forum.

Accordingly, the case will be dismissed without prejudice by separate order.

August 17, 2011
(Date)

/s/
J. Frederick Motz
United States District Judge